

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOCKET & FILE

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JUNIOR MILLINGTON,

Plaintiff,

— against —

FREDERICKS & REESE/CMS,

Defendant.

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TOWNES, United States District Judge:

MEMORANDUM and ORDER

CV-4573 (SLT)(LB)

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



JAN 04, 2008

TIME A.M.

By Order dated November 2, 2007, this Court dismissed the complaint because it failed to allege facts to support a claim against defendant. However, the Court granted plaintiff leave to file an amended complaint, within 30 days, that complies with Fed. R. Civ. P. 8.¹ The Court explicitly advised plaintiff that his failure to replead as instructed could result in the action being dismissed. To date, plaintiff has not filed an amended complaint as directed. Accordingly, it is

ORDERED, ADJUDGED AND DECREED that this action is hereby dismissed for failure to comply with Fed. R. Civ. P. 8. Therefore, the Clerk of Court is directed to enter judgment in favor of defendant, dismissing this action without prejudice. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
January 3, 2008


SANDRA L. TOWNES
United States District Judge

¹ The Order dated November 2, 2007 was mailed to the address provided by plaintiff, but it was returned to the Court with the envelope marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward." Plaintiff has not provided the Court with any alternative addresses or updated the address he previously supplied to this Court.

